UNITED
NATIONS

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General Assembly

Distr.
LIMITED

A/C.3/50/L.43
5 December 1995

ORIGINAL: ENGLISH

Fiftieth session
THIRD COMMITTEE
Agenda item 112 (c)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Afghanistan, Albania, Andorra, Austria, Bangladesh, Bosnia and Herzegovina, Canada, Chile, Denmark, Djibouti, Egypt, Germany, Iceland, Ireland, Italy, Jordan, Kuwait, Kyrgyzstan, Liechtenstein, Luxembourg, Malaysia, Monaco, Morocco, Netherlands, Pakistan, Portugal, Qatar, Saudi Arabia, Sweden, Tunisia, Turkey, United Arab Emirates, and United States of America: draft resolution

Situation of human rights in Kosovo

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, 1/ the International Covenants on Human Rights, 2/ the International Convention on the Elimination of All Forms of Racial Discrimination, 3/ the Convention on the Prevention and Punishment of the Crime of Genocide 4/ and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 5/

1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

3/ Resolution 2106 A (XX), annex.

4/ Resolution 260 A (III).

5/ Resolution 39/46, annex.

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Welcoming the General Framework for Peace Agreement 6/ reached on 21 November 1995 in Dayton, Ohio, and hoping that it will have a positive impact also on the human rights situation in Kosovo,

Recalling its resolution 49/204 of 23 December 1994, and other relevant resolutions,

Recalling also Commission on Human Rights resolution 1995/89 of 8 March 1995 and its previous resolutions 1992/S-1/1 of 14 August 1992, 1992/S-2/1 of 1 December 1992, 1993/7 of 23 February 1993 and 1994/76 of 9 March 1994,

Taking note of the reports of the Special Rapporteurs of the Commission on the situation of human rights in the territory of the former Yugoslavia, in which they describe the situation in Kosovo, the various discriminatory measures taken in the legislative, administrative and judicial areas, acts of violence and arbitrary arrests perpetrated against ethnic Albanians in Kosovo and the continuing deterioration of the human rights situation in Kosovo, including:

(a) Police brutality against ethnic Albanians, the killing of ethnic Albanians resulting from such violence, arbitrary searches, seizures and arrests, forced evictions, torture and ill-treatment of detainees and discrimination in the administration of justice, including the recent trials against former ethnic Albanian policemen;

(b) Discriminatory and arbitrary dismissals of ethnic Albanian civil servants, notably from the ranks of the police and the judiciary, mass dismissals of ethnic Albanians, confiscation and expropriation of their properties, discrimination against ethnic Albanian pupils and teachers, the closing of Albanian-language secondary schools and university, as well as the closing of all Albanian cultural and scientific institutions;

(c) The harassment and persecution of political parties and associations of ethnic Albanians and their leaders and activities, maltreating and imprisoning them;

(d) The intimidation and imprisonment of ethnic Albanian journalists and the systematic harassment and disruption of the news media in the Albanian language;

(e) The dismissals from clinics and hospitals of doctors and members of other categories of the medical profession of Albanian origin;

(f) The elimination in practice of the Albanian language, particularly in public administration and services;

(g) The serious and massive occurrence of discriminatory and repressive practices aimed at ethnic Albanians in Kosovo, as a whole, resulting in widespread involuntary migration,

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6/ A/50/790-S/1995/999.

and noting also that the Subcommission on Prevention of Discrimination and Protection of Minorities, in its resolutions 1993/9 of 20 August 1993 and 1995/10 of 18 August 1995, considered that these measures and practices constituted a form of ethnic cleansing,

Concerned at any attempt designed to use Serb refugees and other means and ways to alter the ethnic balance in Kosovo, thus further suppressing the enjoyment of human rights there, and in this context noting with concern the new citizenship law awaiting approval by the Parliament of the Federal Republic of Yugoslavia (Serbia and Montenegro),

Reaffirming that the long-term mission of the Organization for Security and Cooperation in Europe to Kosovo played a positive role in monitoring the human rights situation and in preventing an escalation of conflict there, and recalling in this context Security Council resolution 855 (1993) of 9 August 1993,

Considering that the re-establishment of the international presence in Kosovo to monitor and investigate the situation of human rights is of great importance in preventing the situation in Kosovo from deteriorating into violent conflict, and, in this context, taking note of the report of the Secretary-General presented pursuant to General Assembly resolution 49/204, 7/

1. Strongly condemns the measures and practices of discrimination and the violations of human rights of ethnic Albanians in Kosovo committed by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro);

2. Condemns the large-scale repression by the police and military of the Federal Republic of Yugoslavia (Serbia and Montenegro) against the defenceless ethnic Albanian population and the discrimination against the ethnic Albanians in the administrative and judiciary branches of government, education, health care and employment aimed at forcing ethnic Albanians to leave;

3. Urgently demands that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro):

(a) Take all necessary measures to being to an immediate end all human rights violations against ethnic Albanians in Kosovo, including, in particular, the discriminatory measures and practices, arbitrary searches and detention, the violation of the right to a fair trial and the practice of torture and other cruel, inhuman or degrading treatment, as well as revoke all discriminatory legislation, in particular that which has entered into force since 1989;

(b) Release all political prisoners and cease the persecution of political leaders and members of local human rights organizations;

(c) Allow the establishment of genuine democratic institutions in Kosovo, including the parliament and the judiciary, and respect the will of its inhabitants as the best means of preventing the escalation of the conflict there;

7/ A/50/767.

(d) Abrogate the official settlement policy as far as it is conducive to the heightening of ethnic tensions in Kosovo;

(e) Reopen the cultural and scientific institutions of the ethnic Albanians;

(f) Pursue dialogue with the representatives of ethnic Albanians in Kosovo, including under the auspices of the International Conference on the Former Yugoslavia;

4. Demands again that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) cooperate fully and immediately with the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia in the discharge of her functions as requested by the Commission by its resolution 1994/76 and other relevant resolutions;

5. Encourages the Secretary-General to pursue his humanitarian efforts in the former Yugoslavia, in liaison with the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund and other appropriate humanitarian organizations, with a view to taking urgent practical steps to tackle the critical needs of the people in Kosovo, especially, of the most vulnerable groups affected by the conflict, and to assist in the voluntary return of displaced persons to their homes;

6. Urges the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to allow the immediate unconditional return of the long-term mission of the Organization for Security and Cooperation in Europe to Kosovo, called for in Security Council resolution 855 (1993);

7. Welcomes the report of the Secretary-General presented pursuant to General Assembly resolution 49/204;

8. Requests the Secretary-General to continue to seek ways and means, including through consultations with the High Commission on Human Rights and relevant regional organizations, to establish an adequate international monitoring presence in Kosovo and to report thereon to the General Assembly at its fifty-first session;

9. Emphasizes the importance that laws and regulations concerning citizenship applied by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) be in accordance with the standards and principles of non-discrimination, equal protection before the law and the reduction and avoidance of statelessness as set out in the relevant international human rights instruments;

10. Calls upon the Special Rapporteur to continue to monitor closely the situation of human rights in Kosovo and to continue to pay due attention to this matter in her reporting;

11. Decides to continue examination of the human rights situation in Kosovo at its fifty-first session under the item entitled "Human rights questions".